

REMARKS

Claim 4 has been amended in response to a 35 U.S.C. §112, second paragraph, rejection. Claims 1-20 remain pending in the present application.

I. Response to 35 U.S.C. §112, 2nd Paragraph Rejection

Claim 4 stands rejected under 35 U.S.C. §112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Although Applicants believe that claim 4, as originally presented, is clear and definite, the claim has been amended nonetheless to further clarify the meaning of “percent availability”. Particularly, for the group level test results described in claim 4, average percent availability refers to the average percent availability of the nodes of the group and does not necessarily pertain specifically to channels.

Please note that the changes to claim 4 have been made in response to the 35 U.S.C. §112, second paragraph, rejection only and have not been made as a result of any patentability issues with respect to the cited prior art.

II. Response to 35 U.S.C. §103 Rejection

Claims 1, 2, 4, 5, 7, 9-11, 13, 14, and 17-19 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over the *Ritchie, Jr. et al.* (US 5,790,523) in view of *Dev et al.* (US 5,295,244). Also, claims 3, 6, and 15 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over the *Ritchie, Jr. et al.* in view of *Dev et al.*, and further in view of *Franchville et al.* (US 5,295,244). And claims 8 and 16 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over the *Ritchie, Jr. et al.* in view of *Dev et al.*, and further in view of *Zimmerman* (US 5,577,067). And lastly, claims 12 and 20 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over the *Ritchie, Jr. et al.* in view of *Dev et al.*, and further in view of *Capel et al.* (US 4,340,961).

In order to make a proper *prima facie* case of obviousness, three basic criteria must be met, as set forth in **MPEP 706.02(j)**. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the

prior art references, when combined, must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicants' disclosure.

Applicants respectfully traverse the 35 U.S.C. §103 rejections, which were applied in the manner mentioned above. Applicants assert that the cited references, taken alone or in combination, do not teach or suggest all of the claimed elements of independent claims 1 and 13. Furthermore, the cited references fail to explicitly or implicitly provide any suggestion or motivation to modify *Ritchie, Jr. et al.* or combine reference teachings as suggested in the Office Action.

A. Brief Summary of the Present Application

The present application is directed to monitoring systems and methods that implement *display logic* for displaying test results of a telecommunications system. The telecommunications system includes a plurality of channels, a plurality of nodes each of which connect to a number of channels, and one or more groups of nodes. Test results can be obtained on individual channels (channel level), on a node (node level), and on a group of nodes (group level) using a spectrum analyzer. In association with the spectrum analyzer (Figs. 1A-1C) is a computer and related graphical user interface (GUI) software, which displays the test results in a user controlled format.

Figs. 11A-11K illustrate possible GUI displays for displaying the test results. Using the display level selection box 369, the user is able to select whether the GUI software displays the test results on the *group level, node level, or channel level*. Figs. 11A-11C illustrate possible displays when the *group level* button is selected. Figs. 11D-11F illustrate possible displays when the *node level* button is selected. And Figs. 11G-11K illustrate possible displays when the *channel level* button is selected.

B. Claim 1

Independent claim 1 is directed to an interface system *for monitoring a number of channels in a communications system having at least one group of a number of nodes, each node having a number of channels*. The interface system comprises a processor, a memory, a display device, and *test result interface logic*,

which, for example, may correspond to the GUI software for displaying test results. The test result interface logic includes “*group level display logic*,” “*node level display logic*,” and “*channel level display logic*.” These different logic elements generate test results on the group level, node level, and channel level. These test results can all be displayed on a *single display device*. The prior art of record, taken alone or in combination, fails to teach or suggest logic that generates all three of the levels on the same display device. Although *Dev et al.* appears to allow the displaying of a network at different levels, it should be noted that these levels are location and topological levels, not *group*, *node*, and *channel* levels as claimed. Also, the prior art fails to suggest altering the device of *Ritchie, Jr. et al.* in such a way to include these aspects of claim 1. In fact, *Ritchie, Jr. et al.* does not even teach the manner in which any test results can be displayed.

Claim 1 also recites that the test result interface logic further includes “*logic to enable a user to select among the group level test result components, node level test result components, and channel level test result components for display on the display device*.” The cited references, taken alone or in combination, fail to teach or suggest this claimed feature. Also, the prior art fails to provide motivation to alter *Ritchie, Jr. et al.* in the manner suggested in the Office Action to enable selection of the various display levels, as claimed. Particularly, it appears that each reference, at most, discloses operating on one level only. Therefore, there would be no need or reason to even consider such a selection as claimed.

For at least these reasons, Applicants assert that claim 1 is allowable over the combination of references as applied in the Office Action and respectfully request that the Examiner kindly withdraw the rejection. Dependent claims 2-12 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1.

C. Claim 13

Independent claim 13 is directed to a method for monitoring a number of channels in a communications system having at least one group of a number of nodes, each node having a number of channels. The method comprises the steps of “*generating a number of group level test result components*,” “*generating a number of node level test result components*,” and “*generating a number of*

channel level test result components." The test results at the different levels are generated on a single display device. The cited prior art, taken alone or in combination, fails to teach or suggest generating these test results from each of these three levels on a single display device. Also, the prior art does not teach or suggest a motivation to alter *Ritchie, Jr. et al.* or combine teachings to provide such a process.

Claim 13 further recites the step of "*enabling a user to select among the group level test result components, node level test result components, and channel level test result components for display on the display device.*" The cited combination of references fails to teach or suggest this claimed feature and fails to provide a motivation to alter *Ritchie, Jr. et al.* in such a way as to enable selection of the various display levels. Since the cited references merely disclose, at most, operating on one level only, there would be no reason or desire to consider such a selection.

For at least these reasons, Applicants assert that claim 13 is allowable over the combination of references and respectfully request that the Examiner withdraw the rejection. Furthermore, dependent claims 14-20 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 13.

CONCLUSION

Applicant respectfully submits that all rejections have been traversed and/or accommodated and that pending claims 1-20 are in condition for allowance. Favorable reconsideration and allowance of the present application and claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



Glenn W. Brown
Reg. No. 51,310

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date mentioned below.

04.04.05 Mary N. Kilgore
Date Signature Mary N. Kilgore